

TABLE DEPICTING MAJOR DIFFERENCES BETWEEN FLATHEAD COUNTY LAKE AND LAKESHORE PROTECTION REGULATIONS, FLATHEAD COUNTY 2004 WHITEFISH AND LOST COON LAKE REGULATIONS, AND WHITEFISH AREA LAKE AND LAKESHORE PROTECTION REGULATIONS AS OF 6/16/2014*

	Flathead County Lake and Lakeshore Protection Regulations	Flathead County 2004 Whitefish and Lost Coon Lake and Lakeshore Protection Regulations	Whitefish Area Lake and Lakeshore Protection Regulations
General Procedures			
Work Requiring a Permit	19 categories of activities are listed as work allowed with a permit. This list does not directly address floating trampolines, moving an existing structure on the lake, or operation of machinery.	18 categories of activities are listed as work allowed with a permit. This list does directly address floating trampolines, moving an existing structure on the lake, or operation of machinery.	18 categories of activities are listed as work allowed with a permit. This list does directly address floating trampolines, moving an existing structure on the lake, or operation of machinery.
Exemptions from Regulations	Emergency work requires a phone notification followed by a written notification prior to the work being done if possible, but in no cases later than 7 days after the work has started.	Emergency work requires a phone call and written notification prior to the work being done, unless the emergency falls on a non-working day.	Emergency work requires a phone call and written notification prior to the work being done, unless the emergency falls on a non-working day.
Construction or Installations not Permitted	Regulations allow for conforming boat shelters, partially open docks, pilings, decks, signs and roads or driveways to serve boat ramps.	Regulations do not allow for boat shelters, partially open docks, pilings, decks, signs and roads or driveways.	Regulations do not allow for boat shelters, partially open docks, pilings, decks, signs and roads or driveways.

Review Procedure			
Planning Board or Lakeshore Protection Committee Review Procedure, when Required	Only major variances and lakeshore construction applications deemed to be a significant impact go before the Planning Board for review. There is no specific time period in place within the 90 day review limit for Planning Board to review and make recommendations on an application before forwarding comments to the governing body for final action. The Lakeshore Protection Committee plays no role.	All non-administrative applications must go before the Lakeshore Protection Committee prior to issuance. The Lakeshore Protection Committee has 40 days after accepting a complete application to forward comments to the governing body for final action. The Planning Board plays no role.	All applications except for burning in the lakeshore protection zone or for buried domestic water lines must go before the Lakeshore Protection Committee prior to issuance. The Lakeshore Protection Committee has 60 days after accepting a complete application to forward comments to the governing body for final action. The Planning Board plays no role.
Administrative Permit Procedure	Regulations state administrative permits may be issued for single residential docks, waterlines, rip rap above mean annual high water, free-standing pilings adjacent to dock, ground mounted decks, walkways and shore stations.	Regulations state administrative permits may be issued for floating docks (which do not exceed 30' in length), shore stations, buoys, waterlines and burning in the LPZ. The administrator must notify the Lakeshore Protection Committee after issuance of all administrative permits.	Regulations state administrative permits may be issued for waterlines and burning in the LPZ and the Lakeshore Protection Committee will be notified after issuance. Administrative permits may be issued for floating docks (not to exceed 60' in length), shore stations, and buoys after initial review by the Lakeshore Protection Committee.

Application Review Period	The review period is 90 days.	An application that is not acted upon by the governing body within the 90 day review period will be deemed approved and work may commence as long as it conforms to the proposed application and the construction standards.	The review period is 90 days.
Criteria for Issuance of a Permit			
Policy Criteria for Issuance of a Permit	The proposed action shall not: Materially diminish water quality; Materially diminish habitat for fish or wildlife; Interfere with navigation or other lawful recreation; Create a public nuisance; Create a visual impact discordant with natural scenic values, as determined by the governing body, where such values form the predominant landscape elements; and alter the characteristics of the shoreline.	The proposed action shall not: Materially diminish water quality; Materially diminish habitat for fish or wildlife; Interfere with navigation or other lawful recreation; Create a public nuisance or public safety hazard ; Create a visual impact discordant with natural scenic values, as determined by the governing body, where such values form the predominant landscape elements; and alter the characteristics of the shoreline.	The proposed action shall not: Materially diminish water quality; Materially diminish habitat for fish or wildlife; Interfere with navigation or other lawful recreation; Create a public nuisance or public safety hazard ; Create a visual impact discordant with natural scenic values, as determined by the governing body, where such values form the predominant landscape elements; and alter the characteristics of the shoreline.

<i>Construction Season</i>	Construction season for Flathead Lake is January – May.	No construction season is listed.	No construction season is listed.
<i>General Construction Materials</i>	Regulations only allow for flotation logs to be extruded polystyrene. Styrofoam is prohibited.	Regulations allow for flotation logs which are extruded polystyrene and rotomolded floats.	Regulations allow for flotation logs which are extruded polystyrene and rotomolded floats.
<i>Vegetation</i>	Natural vegetation shall be preserved wherever possible. Healthy trees 3” in diameter or larger shall be preserved.	There are significantly stricter vegetation regulations in place, including tree replacement and fertilizer, herbicide and insecticide restrictions.	There are significantly stricter vegetation regulations in place, including tree replacement and fertilizer, herbicide and insecticide restrictions.
<i>Impervious Cover (Constructed Area)</i>	Natural looking stone is not counted as impervious cover in the LSPZ. Boat lift canopies are counted as impervious cover.	Stone is counted as impervious cover in the LSPZ. The first boat lift canopy is not counted as impervious cover.	Stone is counted as impervious cover in the LSPZ. Boat lift canopies are counted as impervious cover.
Design Standards for Facilities			
Docks, Wharves, Piers	Docks may be extended past 60' up to 100' to reach 5' in water depth at the end of the dock. Conforming partially open docks are permitted. Residential T docks are not permitted.	Docks may be extended past 60' up to 100' to reach 4' in water depth at the end of the dock. Conforming partially open docks are not permitted. Residential T docks are permitted.	Docks may be extended past 60' up to 100' to reach 4' in water depth at the end of the dock. Conforming partially open docks are not permitted. Residential T docks are permitted.

Swim Docks	Only one dock is permitted per waterfront property. Swim docks are not specifically regulated and fall under general dock standards.	One dock and one swim dock is permitted per waterfront property for properties with over 100 feet of shoreline. Swim docks are specifically regulated.	One dock and one swim dock is permitted per waterfront property for properties with over 100 feet of shoreline. Swim docks are specifically regulated.
Marinas	Private marinas may incorporate boat ramps.	Private marinas may not incorporate boat ramps. There are stricter restrictions on boat slips and overnight mooring.	Private marinas may not incorporate boat ramps. There are stricter restrictions on boat slips and overnight mooring.
Boathouses, Boat Shelters and Shore Stations	Conforming boat shelters are permitted in the LSPZ. Shore stations must be no closer than 15' from a riparian boundary and must not exceed 12' in height. Boat lifts are restricted to one side of the dock.	Boat shelters are not permitted in the LSPZ. Floating boat lifts must be no closer than 25' from a riparian boundary and must not exceed 10' in height. Boat lifts are permitted on both sides of the docks.	Boat shelters are not permitted in the LSPZ. Floating boat lifts must be no closer than 25' from a riparian boundary and must not exceed 10' in height. Boat lifts are permitted on both sides of the docks.
Boat Ramps and Boat Rail Systems	Private boat ramps are conditionally permitted. Multiple conditional boat rail systems are permitted per property.	No private boat ramps are permitted. One boat rail system is permitted per property, and it must be removed every winter.	No private boat ramps are permitted. One boat rail system is permitted per property, and it must be removed every winter.
Riprap and Retaining Walls	Riprap is allowed below mean annual high water and rock size is not specifically outlined.	Stricter riprap instructions are in place limiting location and rock size and restricting gabion baskets.	Stricter riprap instructions are in place limiting location and rock size and restricting gabion baskets.

Dredge, Fill and Swim Beach Creation	Fill volume shall not exceed 1 cubic yard per 16' of lake frontage.	Stricter fill regulations limit max gravel size and restrict fill volume to 1 cubic yard per 8' of lake frontage.	Stricter fill regulations limit max gravel size and restrict fill volume to 1 cubic yard per 8' of lake frontage.
Utility Lines (Electrical, Sewer, Water, Wells)	Lighting regulations do not specifically regulate fixture height.	Stricter lighting regulations in place limiting lighting height in the LSPZ to 4'.	Stricter lighting regulations in place limiting lighting height in the LSPZ to 2'.
Buoys	Buoys must only be made of low-impact plastic.	Buoys may be made of plastic or high density foam. Stricter regulations are in place for the size and placement of buoys.	Buoys may be made of plastic or high density foam. Stricter regulations are in place for the size and placement of buoys.
Decks, Walkways and Stairways	Conditional decks and concrete stairways and walkways are permitted in the LSPZ. There is no restriction on the width of walkways.	No decks or concrete stairways and walkways are permitted in the LSPZ. Walkway width is restricted to 4'.	No decks or concrete stairways and walkways are permitted in the LSPZ. Walkway width is restricted to 4'.

***This table does not list all of the differences between the sets of regulations. This document is a draft overview prepared by Lawson Moorman for the Planning Director as a quick reference tool to show major differences between the three sets of regulations for use by the Flathead County Planning and Zoning Office.**